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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)

No. CR 05-00252 CW

14 Plaintiff,)

15 v.)

STIPULATION AND ~~(PROPOSED)~~
ORDER FOR EXCLUSION OF TIME
UNDER THE SPEEDY TRIAL ACT, 18
U.S.C. § 3161 ET SEQ.

16 EDWIN TORRES,)

17 Defendant.
18 _____)

19 Plaintiff United States of America, by and through its counsel of record, and defendant
20 Edwin Torres, by and through his counsel of record, hereby stipulate as follows:

21 1. On August 16, 2005, the government sent to the defense via Federal Express additional
22 discovery consisting of several hundred pages of documents.

23 2. At the scheduled Court appearance on August 19, 2005, the parties consulted with the
24 Court clerk and agreed to continue the case from August 19, 2005 to September 15, 2005, at 2:30
25 p.m. in Oakland.

26 3. The parties request sufficient opportunity for the defense to review discovery during the
27 period between August 19, 2005 and September 16, 2005. The parties agree that the time period

28 STIPULATION AND [PROPOSED] ORDER
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SPEEDY TRIAL ACT
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1 from August 19, 2005, through and including September 15, 2005, should be excluded from the
2 Speedy Trial Act calculation pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B). The parties agree
3 that the ends of justice served by this exclusion outweigh the best interest of the public and the
4 defendant in a speedy trial, and that a failure to exclude this time would result in a miscarriage of
5 justice. The parties further agree that the failure to exclude this time would deny counsel for the
6 defendant and the government the reasonable time necessary for effective preparation, taking into
7 account the exercise of due diligence.

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10 DATED: August 22, 2005

KEVIN V. RYAN
United States Attorney

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13 STEPHEN G. CORRIGAN
14 Assistant United States Attorney

15 *Agmt*
16 DATED: February 22, 2004

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18 DOUGLAS R. SCHWARTZ
19 Counsel for Defendant
20 Edwin Torres

21 Based on the reasons provided in the Stipulation of the parties above, the Court hereby
22 FINDS:

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23 The time period from August 19, 2005 through and including September 15, 2005, should be
24 excluded from the Speedy Trial Act calculation pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B).
25 Based on the following facts, the parties stipulated and the Court agrees that the ends of justice
26 served by this exclusion outweigh the best interest of the public and the defendant in a speedy
27 trial, that a failure to exclude this time would result in a miscarriage of justice, and that the
28 failure to exclude this time would deny counsel for the parties the reasonable time necessary for
effective preparation, taking into account the exercise of due diligence.

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1 Based on the findings, IT IS HEREBY ORDERED THAT the time between August 19, 2005
2 and September ¹⁶ 2005, is excluded under the Speedy Trial Act pursuant to 18 U.S.C. §§
3 3161(h)(8)(A) and (B).

4 IT IS SO ORDERED.

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6 DATED: August ¹⁶ 2005.


MARTIN J. JENKINS
United States District Judge

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STIPULATION AND (PROPOSED) ORDER
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